

APR 23 2004

PATENT COOPERATION TREATY

Morrison & Foerster, LLP
From the Palo Alto
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
ALAN S. HODES
MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

PCT

NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

23 APR 2004

Applicant's or agent's file reference

509902000140

IMPORTANT NOTIFICATION

International application No.

PCT/US01/05895

International filing date (day/month/year)

23 February 2001 (23.02.2001)

Priority date (day/month/year)

24 February 2000 (24.02.2000)

Applicant

FINDBASE, L.L.C.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

DOCKETED

DOCKETED

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Form PCT/IPEA/416 (July 1992)

Authorized officer

John E. Breene

Telephone No. 703-305-3900

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 509902000140	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> FOR FURTHER ACTION </div> <div style="width: 50%;"> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) </div> </div>	
International application No. PCT/US01/05895	International filing date (day/month/year) 23 February 2001 (23.02.2001)	Priority date (day/month/year) 24 February 2000 (24.02.2000)
International Patent Classification (IPC) or national classification and IPC IPC(7): G06F 17/30 and US Cl.: 707/10		
Applicant FINDBASE, L.L.C.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u> </u> sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input checked="" type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 12 September 2001 (12.09.2001)	Date of completion of this report 13 April 2004 (13.04.2004)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Authorized officer John E Breene Telephone No. (703) 305-3900	

Form PCT/IPEA/409 (cover sheet)(July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/05895

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
 pages 1-45 as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the claims:
 pages 46-50, as originally filed
 pages NONE, as amended (together with any statement) under Article 19
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☒ the drawings:
 pages 1-39, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
 pages NONE, as originally filed
 pages NONE, filed with the demand
 pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/05895

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The question whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

- ☐ the entire international application,
☒ claims Nos. 14-25

because:

- ☐ the said international application, or the said claim Nos. _____ relate to the following subject matter which does not require international preliminary examination (*specify*):

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

- ☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

- ☒ no international search report has been established for said claims Nos. 14-25

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
☐ the computer readable form has not been furnished or does not comply with the standard.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/05895

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☒ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention is accordance with Rules 13.1, 13.2 and 13.3 is

- ☒ complied with.
- ☐ not complied with for the following reasons:

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-13

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. .
PCT/US01/05895

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-13</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-13</u>	NO
Industrial Applicability (IA)	Claims <u>1-13</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Claims 1-13 lack novelty under PCT Article 33(2) as being anticipated by **Crandall et al.** (U.S. Patent 6,321,228 B1).

Regarding claim 1, **Crandall et al.** teaches a computer network having a plurality of interconnected computer resources, the computer network having associated with it a data repository that includes a plurality of data items in electronic format distributed widely among the interconnected computer resources, a method of locating portions of the electronic data in the data repository based on a search query, comprising:

- a). processing the search query to determine at least one meaning associated with the search query (Fig. 5 and col. 5, lines 43-64); and
- b). locating the portions of the electronic data based on the determined meaning and in accordance with a context ascribed to the determined meaning with reference to meanings associated with previous result data, located in response to previous search queries (col. 5, line 65 - col. 6, line 4).

Regarding claims 2, 3, and 8, **Crandall et al.** further teaches the steps of:

- a). previous result data is organized in a particular manner to ascribe the context to the determined meaning (col. 6, lines 44-48); and
- b). the locating step includes, based on the particular manner of organization, comparing the determined meaning to the meanings associated with previous result data (col. 5, line 65 - col. 6, line 4).

Regarding claims 4, 5, and 10, **Crandall et al.** further teaches the comparing step includes comparing the determined meaning to the meanings associated with the previous result data in a particular order that is based on the particular manner of organization (col. 2, lines 18-24).

Regarding claim 6, **Crandall et al.** further teaches wherein the order of comparing is based at least in part on a relative frequency with which the previous result data has been accessed (col. 6, lines 8-29).

Regarding claims 7, 12, and 13, **Crandall et al.** further teaches the steps of:

- a). search query is by a particular user (col. 5, lines 8-22); and
- b). the previous search queries include search queries by users other than the particular user (col. 2, lines 31-44).

Regarding claim 9, **Crandall et al.** further teaches the steps of:

- a). the method further includes maintaining a pointer store that includes at least one entry pointing to a store of previous result data (col. 8, lines 13-27); and

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US01/05895

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

b). the locating step includes initially locating the store of previous result data based on the pointer store (col. 8, lines 13-27).

Regarding claim 11, **Crandall et al.** further teaches the maintaining step includes, when a particular previous result data is located based on the search query, organizing the previous result data to influence the prominence with which the located particular previous result data affects the ascription of context (col. 8, lines 13-27).

Regarding claim 12, **Crandall et al.** further teaches the steps of:

- a). previous result data are co-accessible by a plurality of users presenting search queries (col. 8, lines 13-27); and
b). in the maintaining step, the organizing step is executed based on the particular previous result data located based on the search queries presented by the plurality of users (col. 8, lines 13-27).

----- NEW CITATIONS -----

US 6,321,228 B1 (CRANDALL et al) 20 November 2001, see column 2, line 10 - col. 8, line 27.
US 6,671,681 B1 (EMENS et al) 30 December 2003, see column 2, line 49 - col. 8, line 24.